

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : PERINI
Serial No : 10/549,843
Confirm. No : 7081
Filed : September 14, 2005
For : APPARATUS AND METHOD...
Art Unit : 3724
Examiner : LEE, LAURA MICHELLE
Dated : January 28, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO REQUIREMENT UNDER 35 U.S.C. 121 AND 372

Applicant respectfully requests that the Examiner reconsider the restriction requirement as the Examiner is basing the restriction requirement on the unamended claims. The restriction requirement should be based on the amended claims 1-5 that were submitted with the original application.

Based on the Examiner's current restriction requirement as applied to the amended claims 1-5, Applicant would elect claims 1-3 drawn to an apparatus for causing paper webs to tear off winding machines as well as species A, drawn to Figure 3 with claims 1-3 readable thereon. However, Applicant respectfully requests reconsideration of the restriction requirement as the unamended claims 1-8 are being used as the basis for the restriction requirement when the restriction requirement should be based on amended claims 1-5. The Examiner is invited to call one of Applicant's representatives at the telephone number listed

below if further explanation or discussion is needed.

Favorable action on the merits is requested.

Respectfully submitted
for Applicant,



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- and -



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71933-8

DATED: January 28, 2008
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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-
0410.